



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities."

Board Members

Max Wilson, District 4, Chairman
Fulton Brock, District 1
Don Stapley, District 2
Andrew Kunasek, District 3
Mary Rose Wilcox, District 5

County Manager

David Smith

Clerk of the Board

Fran McCarroll

Meeting Location

Supervisors' Auditorium
205 W. Jefferson
Phoenix, Arizona 85003

FORMAL MEETING MINUTES

BOARD OF SUPERVISORS MARICOPA COUNTY, ARIZONA

(and the Boards of Directors of the Flood Control District, Library District, Stadium District, Improvement Districts and/or Board of Deposit)

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**Wednesday, December 2, 2009
9:00 AM**

1. INVOCATION

Ross Tate, County Auditor, gave the invocation.

2. PLEDGE OF ALLEGIANCE

Eve Murillo, Internal Audit, led the assemblage in the Pledge of Allegiance.

3. ROLL CALL

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 AM on Wednesday, December 02, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2; Fulton Brock, District 1; Mary Rose Wilcox, District 5 and Andrew Kunasek, District 3 (entered late). Also present: Fran McCarroll, Clerk of the Board; Constance Copeland, Deputy Clerk of the board, (Shirley Million, Minutes Coordinator); David Smith, County Manager; and Paul Golab, Outside Attorney to the Board.

~ Supervisor Kunasek entered the meeting ~

BOARD OF SUPERVISORS

4. PET SHOWCASE BY MARICOPA COUNTY ANIMAL CARE AND CONTROL

Aprille Hollis showcased a Shepherd-mix, three-month-old puppy named Daisy who was available for adoption. Only \$85, Daisy had been neutered, licensed and received her rabies shot. Ms. Hollis announced Daisy would be at the 27th Avenue and Durango facility following the meeting and interested parties could call 602-506-7378 for more information.

5. WELLNESS WEEK PROCLAMATION

Proclaim December 6th through the 12th, 2009, as Maricopa County Wellness Week. (C-20-10-020-P-00)

Fran McCarroll, Clerk of the Board, read the proclamation regarding Wellness Week.

Pat Vancil, Employee Benefits, said the County is a leader in the Wellness arena in recognizing the importance of the wellness programs for the County's workforce. She described the various Wellness programs, highlighting several, including: biometric screenings, prostate screenings, and mammography screenings that help to protect the health of employees and enable them to manage the status of their health. She thanked the Board and Mr. Smith for their support of Wellness Programs.

Ms. Vancil said that more than 8,500 county employees participated in the biometric screenings last year. She also provided information about the numbers of employees who received the prostate and mammography screenings and the number of men and women who learned from these screenings that they needed further evaluation. Ms. Vancil also reported on other specific health issues that were identified in the screening process. She related that a number of employees have reported they used the information to improve their health.

Ms. Vancil recognized German Aguinaga, Employee Health Initiatives, for effectively communicating wellness programs to County employees.

Mr. Otis Evans, Administrative Assistant for the Ryan White Program, explained how three of the programs provided have improved his health, identifying his improved diabetes management, his appreciation of the on-site mobile dental services and the care given him in the on-site Walgreens Pharmacy. He thanked the Board for providing employees the availability of the variety of wellness programs.

Supervisor Brock expressed his appreciation for the convenience of the Take Care Clinics, the Walgreens on-site partnership and the expert services provided by both. Because of personal experiences in his family, Supervisor Brock advised all male employees to take advantage of the prostate screenings, feeling they can be crucial in identifying a condition that too often goes undetected until it has become very well-defined in the body. He noted that more women than men had taken advantage of these screening opportunities and said he hoped to see an increase number for both during the upcoming year. The Proclamation is on file in the office of the Clerk of the Board.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox

Ayes: Stapley, Brock, Wilcox, Wilson, Kunasek

The vote on Planning and Development item, #5, was heard out of order at this time.

5. SPECIAL USE PERMIT - BRITT FARM WCF

Case Number:	Z2006083
Supervisory District:	5
Applicant:	Quinn United Services on behalf of AT&T Mobility for Kendall & Elizabeth Britt
Location:	East of Avondale Blvd. and south of Southern Ave. at 6247 S. Avondale Blvd. (in the Avondale area)
Request:	Special Use Permit (SUP) for a Wireless Communication Facility – 80' high monopole stealth designed as a pine tree, or "monopine", with potential for three antenna arrays - in the Rural-43 zoning district and in Wireless Communication Facility Use District 1
Commission Action:	By a vote of 5-1, recommended Approval subject to staff recommended stipulations "a" – "t".

This item was continued from the June 3, 2009 and August 5, 2009 meetings. (C-44-09-142-7-00)

Louis Michilena, resident, spoke to say that he and most other residents feel the current tower is sufficient and a new tower is not needed. He added that the proposed location is the preferred alignment for the 801 Freeway and would waste taxpayer dollars to install it there and then have to move it later.

Motion to continue to June 9, 2010 by Supervisor Wilcox, Seconded by Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Supervisor Stapley asked for the following Planning items to also be taken out of order.

1. COMPREHENSIVE PLAN UPDATE

Case Number: CPA200903
Supervisory District: All Districts
Applicant: Commission-Initiated
Location: County-wide
Request: Comprehensive Plan Amendment to the Maricopa County Comprehensive Plan for property in the High Noise or Accident Potential Zone of Luke AFB, Luke Aux. Airfield #1, and Gila Bend AFB to Comply with Arizona Revised Statutes and as ordered by the Superior Court of Arizona pursuant to case no. CV 2008-019301 - Comprehensive Plan update
Commission Action: Recommended approval by a unanimous vote of 7-0.
(C-44-10-042-7-00)

The discussion on CPA200903 above also pertains to this item.

Motion to continue indefinitely by Supervisor Stapley, seconded by Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

2. WHITE TANK AND GRAND AVENUE AREA PLAN UPDATE

Case Number: CPA200922
Supervisory District: 4 & 5
Applicant: Commission-Initiated
Location: Supervisory Districts 4 & 5
Request: Comprehensive Plan Amendment to the White Tank and Grand Avenue Area Plan for property in the High Noise or Accident Potential Zone of Luke AFB and Luke AUX. Airfield #1 to comply with Arizona Revised Statutes and as ordered by the Superior Court of Arizona pursuant to case no. CV 2008-019301 - White Tank and Grand Avenue Area Plan update
Commission Action: Recommended approval by a unanimous vote of 7-0.
(C-44-10-043-7-00)

The discussion on CPA200903 above also pertains to this item.

Motion to continue indefinitely by Supervisor Stapley, seconded by Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

3. TEXT AMENDMENT - MILITARY AIRPORT AND ANCILLARY MILITARY FACILITY OVERLAY ZONING DISTRICT

Case Number: TA2009012
Supervisory District: All Districts

District:
Applicant: Commission-Initiated
Location: County-wide
Request: Text Amendment to the Maricopa County Zoning Ordinance for property in the High Noise or Accident Potential Zone of Luke AFB, Luke Aux. Airfield #1, and Gila Bend AFB to comply with Arizona Revised Statutes and as ordered by the Superior Court of Arizona pursuant to case no. CV 2008-019301 - Military Airport and Ancillary Military Facility Overlay Zoning District
Commission Recommended approval by a unanimous vote of 7-0.
Action:
(C-44-10-044-7-00)

The discussion on CPA200903 above also pertains to this item.

Motion to continue indefinitely by Supervisor Stapley, seconded by Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

STATUTORY HEARINGS

Clerk of the Board

6. LIQUOR LICENSE APPLICATIONS

This is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

a. ACQUISITION OF CONTROL FOR ANACAPA GRILL AT CORTE BELLA

Pursuant to A.R.S. § 4-203(F), approve an application filed by Robert Eddie Rials for an Acquisition of Control for the Anacapa Grill at Corte Bella located at 22135 N. Mission Drive, Sun City West, AZ 85375.(AZ #12077469)(Supervisory District 4) (C-06-09-443-L-01)

Motion to approve by: Supervisor Kunasek, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Wilcox, Wilson

Nays: Brock

7. PUBLIC HEARING - IMPACT STATEMENT FOR WRIGLEY TERRACE IRRIGATION WATER DELIVERY DISTRICT

Pursuant to A.R.S. § 48-261 and § 48-263, convene the scheduled public hearing on the impact statement for the proposed Wrigley Terrace Irrigation Water Delivery District.

The Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board of Supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district impact statement and authorize the persons proposing the district to circulate petitions.

The proposed district is located in the Wrigley Terrace Subdivision Community in Phoenix bounded by Bethany Home Road on the north, 20th Street on the east, Montebello Avenue on the south and 18th Street on the west and contains approximately 148 parcels.(Supervisory District 3) (C-06-10-138-7-01)

The Clerk said that two speakers who are in favor of this District are present but wish to speak only if necessary, Mr. Paul Harverson and Mark Gaylor. This action is to approve their impact statement and to give them the authority to circulate petitions.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Sheriff

8. TRANSFER OF SHERIFF'S K-9 TO HANDLER

Pursuant to A.R.S. 11-251 (9), approve the transfer and of custody of retiring K-9 Unit dog, "Hugo," (K-77), to his respective Sheriff's Office handler, Deputy Bill Higginbotham.

Hugo is an 8-year old Czech Shepherd that is suffering from repeated leg pain and is no longer useful in enforcement so he is being retired. The Sheriff's Office supports the transfer of ownership to the handler. (C-50-10-061-M-00)

Supervisor Kunasek asked if a unanimous vote was required for this item involving a donation of County property. Paul Golab advised that a unanimous vote was required to approve the item.

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Kunasek

The Clerk called the voice vote.

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

9. DONATIONS TO M.A.S.H. UNIT

Accept two donations totaling \$733.50 to the Sheriff's M.A.S.H. Unit, one for \$400 from Chad Jennings and the other for \$333.50 from a Tom's Tavern fund raiser. These donations are designated for use by the Sheriff's Animal Safe Hospice unit to care for animals that have been removed from their owners because of abuse or neglect. (C-50-10-062-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

10. DONATIONS TO SHERIFF'S OFFICE FOR MASH UNIT

Accept two donations totaling \$900.00 to the Sheriff's M.A.S.H. Unit, one for \$400.00 from Cynthia Johnston and the other for \$500.00 from Lannette Dunkeson. These donations are designated for use by the Sheriff's Animal Safe Hospice unit to care for animals that have been removed from their owners because of abuse or neglect. (C-50-10-068-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

11. ACCEPTANCE OF ENTITLEMENT FUNDS FROM ARIZONA DEPARTMENT OF EDUCATION FOR THE 2010 COUNTY JAILS EDUCATION PROGRAM

Approve acceptance of \$298,389.64 in continued funding from the Arizona Department of Education per A.R.S. Section 15-913.01 for FY2010 County Jails Education Program for the Maricopa County Sheriff's Office Jail Education Program.

The Sheriff's Office indirect cost rate for FY10 is 16.6%. Unrecoverable indirect costs associated with this funding are estimated to be \$49,532.68. The Sheriff's Office has participated in the County Jails Education Program for over ten years. (C-50-10-063-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

12. ACCEPT FUNDING FROM THE ARIZONA REGION DOMESTIC HIGHWAY ENFORCEMENT COORDINATION COMMITTEE FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA, DHE 2008 FUNDS

Approve acceptance of \$3,000 in grant funding from the Arizona Region Domestic Highway Enforcement (DHE) Coordination Committee for the High Intensity Drug Trafficking Area (HIDTA) DHE 2008 funding. The term of this funding is through September 30, 2010.

The Sheriff's Office indirect cost rate for FY10 is 16.6%; the unrecoverable indirect cost associated with this grant is \$498.00. (C-50-10-065-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

13. RICO ONE-TIME ADDITIONS TO FLEET VEHICLE REPLACEMENTS

Approve three one-time additions to fleet of vehicles seized during HIDTA investigations and forfeited through the State to replace three RICO vehicles that have outlived their useful lives and are too expensive to repair and maintain.

These vehicles will be used for undercover operations involving illegal drugs and money laundering that require anonymity for officer safety and case integrity. Also approve exemptions from markings per ARS 38.538.03, including the issuance of undercover non-governmental license plates. Confidential vehicle information concerning these vehicles and the three being replaced will be furnished to the Clerk of the Board.

With the exception of required emissions testing, these vehicles will be inspected, repaired, and maintained by a contracted vendor using RICO funds. As these vehicles are replacing existing RICO vehicles, there is no budgetary impact to the Sheriff's RICO fund.

These vehicles will be retired at the end of their useful lives with no funding from the general fund for their replacements. (C-50-10-064-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

14. AGREEMENT AND ACCEPT FUNDING FROM THE OVERSIGHT COUNCIL ON DRIVING OR OPERATING UNDER THE INFLUENCE ABATEMENT FOR FY2010

Approve an Agreement with the Oversight Council on Driving or Operating Under The Influence Abatement and acceptance of \$25,005 in grant funding. This grant program provides funds for two types of programs as authorized by A.R.S. §28-1303. The purpose of the funding awarded is for reimbursement of overtime costs associated with DUI Enforcement. The term of this funding is November 15, 2009 through June 30, 2010.

The Sheriff's Office FY2010 indirect costs rate is 16.6%. Unrecoverable indirect costs associated with this funding are estimated to be \$4,150.83. (C-50-10-067-G-00)

Blue Crowley, citizen, said he has talked with David Smith and MCDOT on his idea of having Maricopa County become more active in caring for the State's rest areas in order to make them more "green" since the County has taken the lead in government converting or installing solar energy. He wants the State to lease rest areas to the County for \$1.

He said the State of New Jersey has stated that it is twice as deadly for a person to drive while drowsy as for a person to drive while drunk. He believed the rest areas would be more inviting to drowsy drivers if cared for by the County.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

15. AGREEMENT AND ACCEPT FUNDING FROM THE OFFICE OF NATIONAL DRUG CONTROL POLICY FOR THE HIGH INTENSITY DRUG TRAFFICKING AREA PROGRAM

Approve the Agreement and acceptance of funding from the Office of National Drug Control Policy (ONDCP) Award Number G09SA0005A, for the High Intensity Drug Trafficking Area (HIDTA) Program in the amount of \$559,335 for Maricopa County. The term of this funding is from January 1, 2009 to December 31, 2010.

The Maricopa County Sheriff's Office is the Fiduciary of these funds. The Maricopa County Sheriff's Office will receive \$458,716. The Maricopa County Adult Probation Department will receive \$17,100. The Maricopa County Attorney's Office will receive \$83,519.

The total unrecoverable indirect cost amount is \$89,883.60. The Sheriff Office indirect rate is 16.6% and they will not recover \$76,146.86. The Adult Probation Department indirect rate is 10.0% and they will not recover \$1,710.00. The County Attorney indirect rate is 14.4% and they will not recover \$12,026.74. (C-50-10-070-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

16. EXEMPTIONS FROM MARKINGS FOR LIKE-FOR-LIKE VEHICLE REPLACEMENTS

Per A.R.S. 38-538.03, approve exemptions from markings and issuance of non-governmental plates for the following six vehicles that require anonymity for operational reasons including mission success and officer safety.

31763 2007 EXPEDITION 1FMFU16517LA61594
31923 2009 EXPEDITION 1FMFU16569EA97420
31924 2009 EXPEDITION 1FMFU165X9EA97419
31919 2009 EXPEDITION 1FMFU16519EA97423
31920 2009 EXPEDITION 1FMFU165X9EA97422
13815 2008 CROWN VIC 2B3LA43H28H134682 (C-50-10-066-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Superintendent of Schools

17. APPLY AND ACCEPT TITLE II-D GRANT – STATEWIDE INSTRUCTIONAL TECHNOLOGY PROJECT

Approve the Application for and the acceptance of \$146,985.72 for the Title II-D Statewide instructional technology project grant (10FETSTP-060950-04A) from Pima County through the Arizona Department of Education (ADE). The total award for this grant is \$1,115,960.24 of which Maricopa County receives \$146,985.72

The purpose of this grant is to provide training and support service to assist public, charter, and private schools in acquiring standards-based, instructional technology integration practices for K-12 subject areas. This grant's purpose is also to promote IDEAL/ASSET into professional development efforts. The term of the grant will be one-year, anticipated to begin July 1, 2009, through June 30, 2010. Authorize the Chairman to sign all documents related to these grant funds, as applicable.

MCSOS's indirect rate for FY 2010 is 21.50 percent. The restricted indirect cost rate allowed by this grant source is 0.00 percent. Unrecoverable indirect costs on this award are \$31,601.93. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This action does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This one year grant through Pima County from the Arizona Department of Education (ADE) is written to provide training and support services for acquiring standards-based instructional integration practices for K-12 public, charter, and private school teachers in Maricopa County. It is the objective of this grant program to provide these teachers with professional development to help them integrate technology into the curriculum to increase student achievement.(C-37-10-067-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

18. APPLY AND ACCEPT THE GIFTED EDUCATION GRANT

Approve the Application for and the acceptance of \$11,857 for the Charter Schools Gifted Education Grant (10SSAGFT-070696-01A) from the Arizona Department of Education (ADE). The purpose of this grant is to improve instructional services for gifted students within the Maricopa County Educational Services Agency (ESA) Gifted Educational Consortium for charter schools. The term of the grant will be one-year, anticipated to begin July 1, 2009, through June 30, 2010. Authorize the Chairman to sign all documents related to these grant funds, as applicable.

MCSOS's indirect rate for FY 2010 is 21.50 percent. The restricted indirect cost rate allowed by this grant source is 0.00 percent. Unrecoverable indirect costs on this award are \$2,549.26. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law. This action does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

This one year grant from the Arizona Department of Education (ADE) provides additional funding for school districts to deliver accentuated education and services to students who are designated as gifted from passing a state approved test at the 97th percentile or above. (C-37-10-068-G-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

19. EXEMPTION TO TECHNOLOGY FINANCE PROGRAM FOR PURCHASE OF TECHNOLOGY EQUIPMENT

Approve an exemption to the Technology Finance Program (TFP) and an exception to the Capital Freeze for the Superintendent of Schools Office to purchase technology equipment for multiple assignments. This includes three servers, six laptop computers with docking stations and monitors, five PC's, and a DVD/VCR player. The estimated cost of all the computer equipment is \$31,900 approval of this action will support the Superintendent of Schools' replacement of obsolete computer equipment, increased office and field training and allow current systems still in operation to function properly. (C-37-10-069-2-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

JUDICIAL BRANCH

Adult Probation

20. COMPENSATE BACK OVERTIME WAGES

Approve two lump sum payments totaling \$3,298.32 to compensate Gazell Taylor-Johnson, a current employee, and Angel Lewis, a former employee in Adult Probation for back overtime wage claims.

During a recent audit conducted by the Department of Labor, two employees of the Adult Probation Department, one current employee and one former employee, made back overtime wage claims. All records were reviewed and a lump sum payment amount was agreed to for each of the two staff. Gazell Taylor-Johnson will receive \$1,221.60 and Angel Lewis will receive \$2,076.72 for a total of \$3,298.32, which will compensate them for all overtime back wages owed. The full amount of this request will be funded within the department's current budget. (C-11-10-006-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Justice Courts

21. APPOINTMENTS FOR PRO TEM JUSTICES OF THE PEACE

Pursuant to A.R.S. § 22-121, approve the appointment of the following individuals as Pro Tem Justices of the Peace for the period January 1, 2010 through December 31, 2010, to serve in various programs in Justice Courts to reduce trial delay. This serves the interests of judicial economy and promotes sound case flow management. The individuals identified below will serve as Pro Tem Justices of the Peace with compensation at a rate of \$48.79 per hour. Funds are available within the existing budget to cover the projected expenditure of \$170,430. (C-24-10-003-9-00)

Adornetto, Charles J.	Landau, Jerry G.
Anderson, Lex	Lizarraga, Joseph A.
Anthony, John W.	Lundeen, Bradley
Barnes, Bernard J.	Melton, Robert E.
Bohlman, Herbert	Neal, Delia
Calender, Don	O'Hair-Schattenberg, Michelle
Clark, Scott M.	Orcutt, Michael
Cohen, Larry J.	Parker, Caryl K.
Colglazier, Jerry L.	Passey, Kerry
DeForest, Melanie	Ponath, William E.
Delaney, Fenton Frank	Rogers, Phil J.
Fletcher, David H.	Seyer, David
Freestone, Tom	Skousen, Donald
Fuller, David R.	Smith, Kenneth P.
Graham, William	Southern, E. Reid
Haworth, Richard	Strong, Brian D.
Henderson, James	Tolby, Quentin
Henderson, Paul	Tully, Brian Brendan
Hill, James W.	Warianka, Andrew
Holliday, Denise	Washburn, Daniel
Hull, Andrew M.	Wilkins, Victor M.
Jarvis, Robert	Wilson, Amy
Johnson, Ron	Wirtjes, John
Johnston, Sherwood III	Wolf, Guy P.
Julien, Paul D.	Zastrow, John T.
Karp, Ronald	
Knapp, Robert E. Jr.	
Koglmeier, Matthew D.	

This serves the interests of judicial economy and promotes sound case flow management.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Superior Court

22. EXPENDITURE APPROPRIATION FOR SUPERIOR COURT ELECTRONIC COURTROOM PURCHASE AND INSTALLATION

Pursuant to A.R.S. § 42-17106, transfer FY 2009-10 expenditure appropriation in the amount of \$59,800 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring/Non-Project (0001) Potential Expenditures from Fund Balance line to Superior Court (800) Superior Court Special Revenue Fund (259) Non-Recurring/Non-Project (0001).

Approval of this action will allow the Superior Court to fund an amount not-to-exceed \$59,800 for the purchase and installation of electronic courtroom recording equipment and remote interpreter equipment for various South East Facility (SEF) courtrooms.

Superior Court Administration requested that the Electronic Recording division of Court Technology Services (CTS) procure the necessary equipment and installation services to outfit the courtrooms located at the SEF location with a complete electronic recording system as well as remote interpreter equipment. CTS obtained quotes for these items from Exhibit One, who is the contracted vendor. (C-80-10-008-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

COUNTY MANAGER

Office of the County Manager

23. ACCEPT FUNDING FROM U.S. DEPT OF JUSTICE AND SUB-GRANT TO ARIZONA METH PROJECT

1) Accept federal grant award from U.S. Department of Justice, Office of Community Oriented Policing Services under the 2009 COPS Methamphetamine Initiative (CFDA 16.710) in the amount of \$1,000,000. The award date is March 11, 2009 through March 10, 2012. The FY 2009-10 County Manager indirect rate is 16.5%. The total grant funds of \$1,000,000 will be passed through to a subrecipient and are not subject to indirect charges. Funds are intended for the Arizona Meth Project and will be transferred to the non-profit Arizona Meth Project Inc.

2) Approve an appropriation adjustment to County Manager (200), Non-Departmental grant Fund (249), Non-operating/non-project (0001), increasing the FY 2009-10 revenue and expenditure budgets in an amount not-to-exceed \$1,000,000. The grant funding deviates from the Maricopa County Policy for Administering Grants (A2505) which requires all departments/special districts to obtain Board of Supervisors' approval prior to submitting an application for grant funding. The Justice System Planning and Information Office applied for the appropriation without the required Board of Supervisor approval and is requesting retroactive approval of the application.

3) Approve a Contract between the Arizona Meth Project Inc. (Employer Identification Number 26-3584528) and Maricopa County in the amount of \$1,000,000. The purpose of this Contract is to provide funding, received by Maricopa County from the U.S. Department of Justice, Office of Community Oriented Policing Services under the 2009 COPS Methamphetamine Initiative, to the Arizona Meth Project Inc. for the purpose of media and outreach efforts. This Contract is effective from date of Board approval until June 30, 2011. (C-20-10-019-G-00)

Supervisor Brock said this grant helps to continue efforts to warn kids about the dangers of Meth use and it comes at a time when State and County funding have been mitigated because of the economic cycle. He said this fight against Meth is important and it does make a difference.

Chairman Wilson agreed and also cited the efforts by Supervisor Stapley to bring informational programs showing the dangers of Meth use to the County and State, saying he knew this had made a difference in a lot of lives.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

24. REWARDING IDEAS PROGRAM

Authorize and approve the employee awards from the Rewarding Ideas program in the amount of \$9,364 and present awards on December 16, 2009. The Rewarding Ideas Merit Award Board met on November 6, 2009, and approved and recommended the employee awards. (C-20-10-021-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

DEPUTY COUNTY MANAGER

Public Health

25. AMENDMENT TO CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES FOR HIGH RISK PERINATAL PROGRAM/ NEWBORN INTENSIVE CARE PROGRAM COMMUNITY NURSING

Approve Amendment No. 1 to Contract (No. HP961245-005) between Arizona Department of Health Services (ADHS) and Maricopa County through its Department of Public Health (MCDPH) for High Risk Perinatal Program/Newborn Intensive Care Program Community Nursing. Amendment No.1 makes administrative changes to the Special Terms and Conditions and to the Scope of Work. This amendment also replaces the Price Sheet of original contract with revised Price Sheet with no change in contract amount. The term of the contract is July 1, 2009 through June 30, 2012. All other terms and conditions shall remain in effect.

Funding for this grant will be provided by ADHS and will not affect the County general fund. (C-86-10-008-3-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

26. CONTRACTS FOR PROVIDING H1N1 IMMUNIZATIONS TO THE PUBLIC

Approve 3 FY 2010-11 Community Immunization Provider (CIP) Contracts for the purpose of providing H1N1 immunizations to the public. The total not to exceed amount of all contracts pursuant to PH RFP 10-005 will not exceed the amount of \$1,505,463. Individual contract numbers are:

Apothecary Shops (PH RFP 10-005E) (C-86-10-072-3-00)

Healthwaves (PH RFP 10-005F) (C-86-10-073-3-00)

Scottsdale Healthcare (PH RFP 10-005G) (C-86-10-074-3-00)

These contracts are funded by a grant from Arizona Department of Health Services (ADHS) (HG754199).

Each of these contractors was a successful respondent to a Request for Proposal (MC1-328) issued by the Maricopa County Department of Public Health pursuant to PH RFP 10-007.

This Contract is funded by a grant from Arizona Department of Health Services (ADHS) (HG754199) and does not affect the county general fund.

This agreement is a subcontract to IGA (HG754199) between Maricopa County through its Department of Public Health, and the Arizona Department of Health Services (ADHS) and does not increase the county general fund. Reimbursement to subcontractors is per vaccination at a rate of \$8 per vaccination administered. (C-86-10-075-3-ZZ)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

27. CONTRACT WITH APOTHECARY SHOP FOR TAMIFLU AND RELENZA PRESCRIPTION FULFILLMENT SERVICES

Approve contract (RFP PHA 10-007F) with Apothecary Shops for the purchase of Tamiflu and Relenza Prescription Fulfillment Services. The total not-to-exceed amount of all Contracts pursuant for PH RFP 10-007 will not exceed the amount of \$223,688. This contract is funded by a grant from Arizona Department of Health Services (ADHS) (HG754199)

This contractor was a successful respondent to a Request for Proposal (MC1-328) issued by the Maricopa County Department of Public Health pursuant to PH RFP 10-007. This contract is funded by a grant from (ADHS) (HG754199) and does not affect the county general fund. Reimbursement to subcontractors is per vaccination at a rate of \$5 per prescription. (C-86-10-077-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

28. AMENDMENT TO NOTICE OF GRANT AWARD WITH U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES HEALTH RESOURCES AND SERVICES ADMINISTRATION FOR HEALTH CENTER CLUSTER

Approve the Amendment No 21 to Notice of Grant Award (NGA) (H80CS00044) from the U.S. Department of Health and Human Services Health Resources and Services Administration (HRSA) to Maricopa County by and through its Department of Public Health, Healthcare for the Homeless (HCH) Program to provide healthcare for homeless individuals. This grant award provides funds in the amount of \$1,208,539. for budget period November 1, 2009 through October 31, 2010. The amount of \$1,374,439 includes estimated program income in the amount of \$165,900.

The Department of Public Health's indirect rate for FY 2009-10 is 19.5%. Sub-recipient expenses in the amount of \$80,000 are not subject to indirect charges. Total indirect expenses are estimated to be \$184,155. of which \$179,224 is recoverable and \$4,930 is not recoverable.

The overall grant budget will be adjusted as necessary to accommodate this grant through a future reconciliation. Funding for this contract is provided by a grant from HRSA, and will not affect the County general fund.

This NGA provides 50% of the target FY2010 funding pending a revised NGA to be issued later in the budget period after final action is taken by congress. (C-86-02-073-2-19)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

29. IGA WITH MURPHY ELEMENTARY SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve an Intergovernmental Agreement (IGA) between Murphy Elementary School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$4,000 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-079-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

30. IGA WITH LITTLETON ELEMENTARY SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve an Intergovernmental Agreement (IGA) between Littleton Elementary School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$6,000 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-080-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

31. IGA WITH KYRENE SCHOOL DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve an Intergovernmental Agreement (IGA) between Kyrene School District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$5,000 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-081-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

32. IGA WITH MARICOPA COUNTY COMMUNITY COLLEGE DISTRICT FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Approve an Intergovernmental Agreement (IGA) between Maricopa County Community College District and Maricopa County by and through its Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. Funding is for a not-to-exceed amount of \$35,620 for budget period beginning July 1, 2009 through May 1, 2010.

Funding for this agreement is provided by the Tobacco Education/Prevention Grant from ADHS and will not increase the County general fund budget. (C-86-10-082-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

33. AMENDMENT TO GRANT FROM ARIZONA DEPARTMENT OF HEALTH SERVICES FOR THE WOMEN AND CHILDREN COMMUNITY HEALTH GROUP

Approve Amendment No. 3 to Grant from Arizona Department of Health Services (ADHS) to Maricopa County through its Department of Public Health (MCDPH) for the Women and Children Community Health Group. Amendment No. 3 extends the grant period from January 1, 2010 through December 31, 2010 with no funding amount specified. All other terms and conditions shall remain in effect. (C-86-07-041-3-04)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

34. AMENDMENT TO IGA WITH ARZONA DEPARTMENT OF HEALTH SERVICES FOR STD SERVICES

Approve Amendment No 3 to the Intergovernmental Agreement (IGA) No. HG854321 between Arizona Department of Health Services (ADHS) and Maricopa County by and

through its Department of Public Health to provide STD Services. Amendment No 3 extends the contract through December 31, 2010. All other provisions shall remain unchanged. (C-86-08-064-2-04)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

35. AGREEMENT WITH PINNACLE WEST CAPITAL FOR STRATEGIC NATIONAL STOCKPILE ASSETS

Approve the Agreement to Provide Strategic National Stockpile (SNS) Assets between Pinnacle West Capital, including its subsidiary Arizona Public Service Company (collectively "PNS/APS") and Maricopa County through its Department of Office of Preparedness Response (OPR) to collaborate with PNS/APS to provide SNS assets in the event of a public health emergency. The term of this non-financial agreement shall begin upon execution by both parties and shall be in effect until terminated by either party.

The MCDPH, Office of Preparedness Response was previously known as the Maricopa Department of Public Health Emergency Management Program (PHEM). (C-86-10-057-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Workforce Management and Development

36. FAMILY MEDICAL LEAVE ACT (FMLA), HR2413 CHANGES

~~Approve revised Family Medical Leave Act (FMLA), HR2413, to replace outdated policy.~~

~~Maricopa County's FMLA policy had become seriously outdated due to a number of significant changes to the federal law over the course of the last five years, rendering HR2413 inaccurate and not in compliance with federal law. The revised version reflects the most up to date changes to the law. In addition, it has been revised for greater clarity of content. Although the prior iteration of this policy had been issued with County Manager approval, Board approval is now being required so that the policy will have county wide applicability. (C-31-10-006-6-00)~~

The Clerk announced that this item was withdrawn at the request of the department

ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION

Animal Care and Control

37. DONATION FROM MANYA LONG AND FROM CHOICE PET SUPPLY

Accept monetary donations from Manya Long of Phoenix, AZ in the amount of \$500, and from Choice Pet Supply of Scottsdale, AZ in the amount of \$540 for the care of the animals.

Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and

therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-10-044-D-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

38. DONATION FROM FRIENDS OF ANIMAL CARE AND CONTROL - FACCS

Accept the restricted monetary donation from Friends of Animal Care & Control (FACC's) of Phoenix, AZ to fund the Maricopa County Spay/Neuter Voucher Program in the amount of \$60,000 and the Foster Program in the amount of \$3,888.55. The total donation received was in the amount of \$63,888.55 which supports one position in the Foster Program.

Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-10-045-D-00)

Supervisor Brock noted the Board's appreciation of donations to the County and thanked residents for the donations in items 37 and 28.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

39. AGREEMENT WITH DESERT PAWS RESCUE FOR NEW HOPE PROGRAM

Approve an Agreement between Mandy Smith, d.b.a. Desert Paws Rescue, P. O. Box 50594, Mesa, AZ 85208, and Maricopa County to allow Desert Paws Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the Contractor. The cost for these services is \$40 for each animal rescued. Animal Care & Control estimates 14 new hope rescues over the term of the agreement, for a total of \$560. The term of this Agreement is from December 2, 2009 through June 30, 2012. (C-79-10-046-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

40. WAIVE RABIES VACCINATION FEES FOR UNO POR UNO CLINICS

Waive the differential rabies vaccination fee of \$20 for the rabies vaccination clinics that will be held bi-weekly on a continued basis as part of the Maricopa County Animal Care and Control Uno por Uno program. The Uno por Uno program estimates 2,625 vaccinations will be administered in FY2010 and 4,550 in FY2011. The cost of the preventative rabies vaccinations will be paid through general donations received already in Fund (573). Each vaccination clinic is estimated to cost \$3,500. The ability to waive the differential rabies vaccination fee will become effective December 2, 2009 for the duration of the Uno por Uno program with the contingency that donation funds are available. (C-79-10-047-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

41. AGREEMENT WITH THE CITY OF PEORIA TO PARTICIPATE IN THE OLDTOWN HOLIDAY EVENT

Approve the non-financial agreement with the City of Peoria to provide the Maricopa County Animal Care & Control (MCACC) Mobile Pet Adoption Bus at the Oldtown Holiday Event, December 4, 2009 from 5:00pm to 9:00pm at Osuna Park, 10510 N. 83 Ave, Peoria; and, and to provide dogs and cats for adoption that are housed in the Mobile Pet Adoption Bus during this event. There are no direct participant costs; all indirect costs associated with providing the Mobile Pet Adoption Bus at the event will be absorbed by the budget. (C-79-10-049-3-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

42. REDUCE FEES FOR 3-1 AND 4-1 VACCINATIONS GIVEN AT UNO POR UNO CLINICS

Reduce the 3-1 cat vaccination fee from \$27 to \$20 and the 4-1 dog vaccination fee from \$23 to \$20 for the Uno por Uno vaccination clinics that are held each week as part of the Maricopa County Animal Care and Control Uno por Uno program. The Uno por Uno program estimates 3,675 vaccinations will be administered in FY 2009-10 and 9,100 in FY11. The cost of the cat and dog vaccinations will be paid through general donations received already in Fund (573). Each vaccination clinic is estimated to cost \$3,500. The reduced 3-1 cat vaccination fee and the reduced 4-1- dog vaccination fee will become effective February 1, 2010 for the duration of the Uno por Uno program. (C-79-10-048-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Human Services

43. MEMORANDUM OF UNDERSTANDING WITH LUTHERAN SOCIAL SERVICES OF THE SOUTHWEST FOR DEVELOPMENT OF AN ACCESS POINT

Approve the Memorandum of Understanding (MOU) between Lutheran Social Services of the Southwest, a faith-based organization, and Maricopa County administered by its Human Services Department to establish Lutheran Social Services of the Southwest as an Access Point for purposes of Workforce Development activities. This non-financial MOU is effective upon signature by both parties and will expire December 31, 2011.

Access Points are a network of faith-based and community based organizations that provide residents with a location where job seekers can access abbreviated One Stop Career Center services. As an Access Point, Lutheran Social Services of the Southwest will assist youth and adult job seekers to access employment-related services to assist them in obtaining employment. This MOU will create a partnership enabling Maricopa County residents that are unable to travel to a One Stop Career Center, the ability to access services through an Access Point that is located in the community. (C-22-10-039-3-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

CHIEF FINANCIAL OFFICER

Finance

44. FUNDS TRANSFERS; WARRANTS

Approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

CHIEF PROCUREMENT OFFICER

Materials Management

45. SOLICITATION SERIALS

Approve the following solicitation serial items. The action on the following items is subject to Legal Counsel's review and approval of the respective contracts and subsequent execution of contracts.

a. 09017-C, STREET SWEEPERS

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 09017-C

Item: Street Sweepers (\$100,074.00) Increase price agreement value from \$425,000.00 to \$525,074.00. This \$100,074.00 increase is being requested by Equipment Services for the purchase of one additional Street Sweeper for McDOT. The Board of Supervisors approved the initial price agreement on April 15, 2009 in the amount of \$425,000.00. This price agreement has an expiration date of April 30, 2010.

Norwood Equipment (C-73-10-059-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

b. 06080-ROQ, SPECIALTY LEGAL SERVICES PROVIDERS – BOARD OF SUPERVISORS

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 06080-ROQ

Item: Specialty Legal Services Providers – Board of Supervisors (\$5,000,000.00)
Increase price agreement value from \$700,000.00 to \$5,700,000.00.
Recommendation for contract value increase in the amount of \$5,000,000.00.
Current contract value is \$700,000.00 (renewal for one year period. Contract value inclusive of increase \$ amount is \$5,700,000.00.

Law Office of Ralph Adams
Ballard, Spahr, Andrews & Ingersoll
Engelman Berger, PC
Law Office of Karen Clark
Gaona Law Firm
Kirsch-Goodwin & Kirsch, PLLC
Moyes, Sellers & Sims LTD
Sacks Tierney PA
Polsinelli Shughart
Swenson Storer & Andrews Frazelle
Law Office of Rene Williams (C-73-10-051-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

c. 06158-S, INSURANCE BROKER CONTRACT SERVICES - RISK MANAGEMENT

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Renewal/Extension Date: December 02, 2009 (Eff. July 01, 2010)

Serial: 06158-S

Item: Insurance Broker Contract Services - Risk Management (\$20,000,000.00 estimate/three years until June 30, 2013) Recommendation is made to the Board for three year contract renewal as requested by Risk Management. This contract provides insurance broker services to Risk Management. Stated contract value (\$20,000,000.00) includes both the estimated insurance premiums and broker's fees for the renewal period.

Arthur J. Gallagher & Co. (C-73-10-053-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

d. 09071-C, INMATE SHOWER SHOES

Approve the following solicitation serial items. The action on the following items is subject to Legal Counsel's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09071-C

Item: Inmate Shower Shoes (\$667,260.00 estimate/three years until December 31, 2012, with three one-year renewal option) The purpose of the contract is for the purchase of inmate shower shoes for the MCSO.

Ocuture (C-73-10-054-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

e. 09077-S, BOILER MAINTENANCE, REPAIR AND REPLACEMENT SERVICES

Approve the following solicitation serial items. The action on the following items is subject to Legal Counsel's review and approval of the respective contracts and subsequent execution of contracts.

Serial: 09077-S

Item: Boiler Maintenance, Repair and Replacement Services (\$500,000.00 estimate/three years until December 31, 2012, with three one-year renewal option) Three year contract for steam boiler maintenance, repair and replacement throughout Maricopa County.

Arizona Boiler Company, Inc.
Brooks Mechanical System Service
Emerson Boiler (C-73-10-056-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

f. 99214 RFP, COOLING LOOP SERVICES, COUNTY BUILDINGS

Approve an increase in the price agreement for the following contracts. This request is due to an increased usage by county departments.

Serial: 99214-RFP

Item: COOLING LOOP SERVICES, COUNTY BUILDINGS (\$35,000,000.00) Increase price agreement value from \$38,000,000.00 to \$73,000,000.00. Approve and authorize an amendment to SERIAL #99214 RFP COOLING LOOP SERVICES, COUNTY BUILDINGS with NORTHWIND PHOENIX, LLC, subject to legal review and approval of the final form of the amendment to provide chilled water services thru the district cooling loop to the new Downtown Court Tower facility being constructed at 101 Madison Street, Phoenix. Approval of this facility to be added to the cooling loop was authorized at the recommendation of the County's Engineering Consultant on July, 23, 2008. (C-70-09-006-3-00). The estimated

increase resulting from this amendment until the expiration of the contract is \$35M. In addition, there will be a one-time payment in an amount not-to-exceed \$512,125 to Northwind Phoenix, LLC for the inter connection fee to be paid for from Downtown Court Tower project funds.

NORTHWIND PHOENIX, LLC (C-73-10-058-7-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

Emergency Management

46. AGREEMENT AND ACCEPT FUNDS FOR CATALOG OF FEDERAL DOMESTIC ASSISTANCE 15.242 NATIONAL FIRE PLAN-RURAL FIRE ASSISTANCE

Approve the agreement and acceptance of grant funds from U.S. Department of the Interior Bureau of Land Management in the not-to-exceed amount of \$30,000. These grant funds are to implement the National Fire Plan. The grant award begins on August 1, 2009 and ends on August 31, 2014. Authorize the Chairman to sign all documents related to these grant funds, as applicable. The Maricopa County Department of Finance has calculated the Department of Emergency Management's indirect cost rate for FY 2009-10 at 16.40%. The grant allows full indirect cost recovery; therefore, indirect costs are estimated at \$4,227 and are fully recoverable. Approve an increase in revenue and expenditure appropriation to the Department of Emergency Management (150) Emergency Management Grant Fund (215) Non Recurring Non Project (0001) in the amount of \$30,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-15-10-008-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

47. MEMORANDUM OF UNDERSTANDING TO STATE HOMELAND SECURITY FOR STATE HOMELAND SECURITY GRANT PROGRAM

Approve Pete Weaver, Director of Emergency Management to sign the Memorandum of Understanding with the Arizona Department of Homeland Security for the FFY 2009 State Homeland Security Grant Program (SHSGP) to have the Arizona Department of Emergency and Military Affairs (DEMA) retain and manage the money in the amount of \$75,000.00. The money is intended to support training and exercises for local government within Maricopa County. DEMA has offered to be the fiduciary manager of the local training funds for the local government within Maricopa County since they have a Training and Exercise Division dedicated to the developing, maintaining, managing all training classes and exercises for the State of Arizona. The grant performance period is October 1, 2009 through September 30, 2010. Indirect costs are not applicable since Emergency Management will not accept the grant funding. The Arizona Department of Emergency and Military Affairs will retain and manage the grant during the performance period. (C-15-10-005-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

48. HOMELAND SECURITY GRANT PROGRAM AWARD FOR CENTRAL REGION CITIZEN CORPS PLANNER POSITION

Accept the FFY 2009 Homeland Security Grant Program Award from the Arizona Department of Homeland Security (AZDOHS) for the Central Region Citizen Corps Planner Position in the not -to-exceed amount of \$ 87,465.00. The Grant Agreement Number is 555200-02. Authorize the Department Director to sign all documents associated with this grant. This grant will fund the Citizen Corps Planner position 100%. The grant award begins on October 1, 2009 and ends September 30, 2010. The Maricopa County Department of Finance has calculated the Department of Emergency Management's composite indirect cost rate at 16.40%, or \$14,344.26.

Approve the waiver of \$14,344.26 in indirect cost recovery and absorb the cost in the budget. The Department plans to apply 100% of the grant to the salary and benefits and office supplies. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C-15-10-006-G-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Kunasek

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

ASSISTANT COUNTY MANAGER - PUBLIC WORKS

Public Works

49. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. The list is on file in the Clerk of the Board's Office. (C-06-10-217-7-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

50. IGA WITH THE CITY OF PEORIA FOR CONSTRUCTION, OPERATION & MAINTENANCE OF VISTANCIA EXTENSION

Approve the Intergovernmental Agreement (IGA) between Maricopa County, acting through the Maricopa County Department of Transportation (County), and the City of Peoria to facilitate the construction of the half street, referred to as the Vistancia extension, south of Happy Valley Road to the northeast corner of the Westwing Substation property.

This Agreement is to facilitate the construction of the half street, referred to as the Vistancia extension, south of Happy Valley Road to the northeast corner of the Westwing Substation property. This half street is to serve the Westwing Substation and shall connect to the existing access easement that extends south to the Hatfield Road alignment to serve additional Properties south of the substation. The current right of entry along Hatfield Road

will be permanently closed due to ADOT's construction of the SR 303 Loop.

Under this agreement the County agrees to act as the permitting agency and provide "no-fee" permitting of the construction of roadways that will occur upon properties described in the agreement, within the Department of Transportation's jurisdiction. The County also agrees to consider future amendments to this IGA when the City or County decides to further develop the intersection of Happy Valley Road/Vistancia Extension or the City or County desire to widen or extend the Vistancia Extension. The City agrees to act as the lead agency and will incur all costs associated with the project and will operate and maintain the newly constructed Vistancia Extension as well as the reconfigured median in Happy Valley Road from the west right of way line for the Vistancia Extension to the intersection with Vistancia Boulevard (approximately 250 feet, as shown in Exhibit B). Supervisory District No. 4 (C-91-10-072-M-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

51. VEHICLE/EQUIPMENT REPLACEMENTS

Approve a capital freeze exemption and direct Equipment Services to replace the following vehicles with the equal number of vehicle replacements. This results in no net change to the County fleet.

The following vehicles will be replaced:

Quantity TYPE

1 TRUCK, PICKUP 1/2-TON

4 TRUCK, PICKUP 3/4-TON

4 TRUCK, PICKUP 1-TON

This action is being requested in accordance with agenda item C-49-08-031-6-01, approved by the Board of Supervisors on February 11, 2009. The Office of Management and Budget, Equipment Services, and Transportation have analyzed the need for these vehicles to be replaced, based on miles, age and maintenance costs, and concluded that they should be replaced. Supervisorial Districts 1, 2, 3, 4 & 5 (C-91-10-073-V-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

52. BID AND AWARD FOR EAST VALLEY SIGNAL MODIFICATION 6 PROJECT

Approve the solicitation of bids for the Maricopa County Department of Transportation's East Valley Signal Modification 6 Project, Traffic Improvement (TIMP) Project No. T242. Also, approve the award to the lowest responsive bidder, provided that the lowest responsive bidder does not exceed the Engineer's estimate by ten percent.

The purpose of this project is to remove obsolete pavement markings, traffic signs and traffic signals at the subject intersections and replace the same with updated facilities meeting current Maricopa County Department of Transportation design standards. The improvements will enhance the operational safety of these intersections.

The project will be procured in accordance with the mandate set forth in the Maricopa County Procurement Code, Article 5, and Section 504. This project is located in Supervisor District No. 2. (C-91-10-065-5-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

53. MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION ROADWAY/LIVESTOCK INCIDENT MITIGATION POLICY

Approve and adopt the Maricopa County Department of Transportation (MCDOT) Roadway/Livestock Incident Mitigation Policy and Resolution to establish guidelines for the reporting and tracking of vehicle incidents involving livestock and to establish criteria for the implementation of traffic control devices at identified livestock locations providing for the safest circumstances.

Approve the MCDOT Roadway/Livestock Incident Mitigation Policy and Resolution in order to provide the safest circumstances when drivers approach identified livestock areas. Arizona is an "open range" state which means that in most areas not under the jurisdiction of a municipality or other government agency, livestock are not enclosed onto property with fences, but are allowed to graze freely. The Traffic Management Division will record and track livestock incidents and accidents as received from the Maricopa County Sheriff's Office. The tracking of these reports will provide information for the implementation of appropriate traffic control devices, signage or striping. This item was discussed in Executive Session on August 18, 2008 under item E-19-09-023-00. Supervisory Districts: 1, 2, 3, 4, and 5. This item was continued from the November 18, 2009 meeting. (C-91-10-069-6-00)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Stapley

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

BOARD OF SUPERVISORS

Clerk of the Board

54. ANNEXATION PETITIONS FOR THE FIRE DISTRICT OF SUN CITY WEST

Pursuant to A.R.S. §48-262, receive the report of the County Assessor regarding the Fire District of Sun City West annexation of areas A & F and declare the results of their validity and sufficiency review of the petitions. (C-06-10-196-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

SETTING OF HEARINGS

All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted

Air Quality

55. PROPOSED AMENDMENTS TO RULES 310 AND 310.01

Pursuant to A.R.S. §49-479(b), set a public hearing for January 13, 2010 at 9:00 a.m. to solicit comments on proposed amendments to the following Maricopa County Air Pollution

Control Regulations: Rule 310-Fugitive Dust From Dust Generating Operations and Rule 310.01-Fugitive Dust From Non-Traditional Sources Of Fugitive Dust and to solicit comments on submitting the rules as a revision to the (Arizona) State Implementation Plan (SIP). Following the public hearing, the Board is requested to adopt proposed amendments to Maricopa County Air Pollution Control Regulations Rules 310 and 310.01 and to submit the amended rules as a revision to the (Arizona) State Implementation Plan (SIP). Upon Board approval, this item will become effective January 13, 2010. (C-85-10-015-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Clerk of the Board

56. IMPACT STATEMENT FOR THE PROPOSED COLLEGE PARK COUNTRY ESTATES IRRIGATION WATER DELIVERY DISTRICT

1) Pursuant to A.R.S. § 48-261 and § 48-263, receive the impact statement for the proposed College Park Country Estates Irrigation Water Delivery District and set a public hearing for 9:00 a.m., Wednesday, January 27, 2010.

At the hearing on January 27th, the Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board of Supervisors determines that the public health, comfort, convenience, necessity or welfare will be promoted, it shall approve the district impact statement and authorize the persons proposing the district to circulate petitions.

2) In addition, approve a bond in the amount of \$250 to be filed with the Board by the persons proposing the district to cover costs incurred by the County if the district is not finally organized pursuant to A.R.S. §48-261(C).

The proposed district is located in the College Park Country Estates Subdivision Community in Gilbert bounded by Lindsay Road on the east, Guadalupe Road on the south and Burke Street on the west and contains approximately 83 parcels and 65 acres. (Supervisory District 2) (C-06-10-197-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Planning and Development

57. ZONING CASES

Schedule Planning and Development public hearings on zoning cases and other matters for the December 16, 2009 meeting. (List will be on file with the Clerk's office). (C-44-10-045-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Public Works

58. Set a public hearing to declare the following roads into the county highway system for 9:00 .m., Wednesday, January 13, 2010.

a. ROAD FILE NO. 5076-R

Adopt a Resolution to set a hearing on Road File No. 5076-R, said alignment is also known as Irvine Road from 35th Avenue to 7th Avenue, lying within Supervisor District No.3. (C-64-00-013-0-01)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

CONSENT AGENDA

Clerk of the Board

59. CANVASS OF ELECTIONS

Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's Office. (C-06-10-204-7-00)

Motion to approve by Supervisor Stapley, Seconded by Supervisor Wilcox

Ayes: Stapley, Wilcox, Brock, Kunasek, Wilson

60. CHECK ENFORCEMENT FUND QUARTERLY REPORT

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, receive the quarterly financial report from the County Attorney of all revenues and expenditures from the Check Enforcement Fund for the periods of July, 2009 through September, 2009. Report is on file in the Clerk of the Board's Office. (C-06-10-206-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

61. DUPLICATE WARRANTS

Pursuant to A.R.S §11-632, approve and ratify the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. Necessary affidavits have been filed with the Board. Affidavits presented are on file in the Clerk of the Board's Office. (C-06-10-209-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

62. MARKET RANGES

Pursuant to A.R.S §§11-251.38 and 251.51, approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-10-214-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

63. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Supervisors meetings held August 12, 2009; August 31, 2009; October 7, 2009; October 14, 2009 and October 21, 2009. (C-06-10-210-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

64. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, authorize the appointment and cancellation of appointment of Precinct Committeemen. List is on file in the Clerk of the Board's Office. (C-06-10-215-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

65. SECURED TAX ROLL CORRECTIONS

Pursuant to A.R.S. §§42-15155, 16002, 16215, 16258, and 19118, approve requests from the Assessor for corrections of the Secured Tax Rolls Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. Resolutions on file in the Clerk of the Board's Office. (C-06-10-208-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

66. STALE DATED WARRANTS

Pursuant to A.R.S. §11-644 the Board of Supervisors finds that claims presented, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. List of claims is on file in the Clerk of the Board's Office. (C-06-10-207-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

67. TAX ABATEMENTS

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-43-10-008-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

BOARD OF SUPERVISORS ADDENDUM

CONSENT AGENDA Clerk of the Board

A-1. SETTLEMENT OF PROPERTY TAX CASES

Pursuant to A.R.S. §§42-16201 through 16215, approve the settlement of tax cases dated December 2, 2009. List is on file in the Clerk of the Board's Office. (C-06-10-218-7-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

Board of Supervisors

A-2. OUTSIDE COUNSEL REQUESTS FOR WAIVER

Grant outside counsel's request(s) for a waiver of the potential conflict(s) of interest(s) identified by the law firm(s) on the list on file in the Office of the Clerk of the Board which will enable those firms to represent the Board of Supervisors and/or Maricopa County in assigned matters. (C-06-10-205-M-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Wilcox

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

STATUTORY HEARINGS Parks and Recreation

A-3. PROPOSED USER FEE FOR WEDDING PACKAGES AT DESERT OUTDOOR CENTER

Pursuant to statutory requirements, consider the adoption of Wedding Package User Fees for the Desert Outdoor Center. Upon Board approval, this item will become effective January 1, 2010.

On November 4, 2009, under agenda item C-30-10-006-2-00, the Maricopa County Board of Supervisors held a public hearing pursuant to statutory requirements to solicit comments and consider the adoption of the Parks and Recreation Department User Fee Schedule. At that meeting all proposed user fees were adopted with the exception of the proposed wedding package user fees for the Desert Outdoor Center. These fees were to be further considered for adoption at the December 2, 2009 Board of Supervisor meeting. (C-30-10-013-2-00)

Motion to approve by: Supervisor Stapley, Seconded by: Supervisor Brock

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING RECESSED

Chairman Wilson recessed the Board of Supervisors to convene as the Board of Directors of various special districts.

MEETING RECONVENED

Chairman Wilson reconvened the Board of Supervisors.

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

68. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Blue Crowley said that Maricopa Association of Governments (MAG) has stated that the heavy rail for commuter traffic will go to Wittman but he felt it should go all the way to Wickenburg. The Board has approved the construction of over 20,000 family units along the rail line between Wittman and Wickenburg. At four persons per household, he said that is 80,000 people while MAG states only 50 people will be using it, which he believes is an obvious error. He contends that MAG only "looks at" metro Phoenix and close outlying towns whereas the funds for the rail, etc., come from a much larger area that is Maricopa County as a whole. He called for the Board to take control of this aspect since they represent all parts of the County. Finally, Mr. Crowley called Sheriff Arpaio and County Attorney Thomas sore losers and cited several newspaper articles to prove this designation. He said he had never seen the Board as being criminal or conspiratory but rather as five, not like minded individuals, but ones that cooperate and work together.

69. **SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox commented on the national award given to Marcus Reinkensmeyer by the National Center for State's Courts in recognizing him with the Court Administrator for the Judicial Branch of Arizona in Maricopa County "209 Warren E. Berger Award" for excellence in court administration. She added that the Board has known what a good administrator he is for many years. Chairman Wilson and Supervisor Brock also lauded his superb administrative abilities and congratulated him on receiving this award.

Supervisor Brock recognized the recent retreat held by David Smith and the senior management of the County to foster communication, new ideas and new suggestions to help the County provide better government services.

Supervisor Brock also commented on the closure of public rest stops by the State saying he concurred that this is a serious error. He has promoted ideas he read in Governing Magazine on some states that surrendered their management of public rest stops to the private sector and private construction attractions. He asked the State Legislature to please consider doing this rather than closing the rest stops. These rest stops have actually become profit makers in some states from the restaurants and convenience stores, etc., being run by private enterprise that has expertise in these business areas. He stated this would be a win-win effort since there is a real need by truckers and families on cross country trips for these amenities, and states and counties need every source of revenue they can get.

*****The Board of Supervisors will now consider Code Enforcement Reviews*****

Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision or whether a procedural error may have occurred. New evidence is not considered at these hearings.

David Smith left the dais and Paul Golab left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and David Benton, General Litigation Office, came forward to present the following Planning and Zoning cases.

CODE ENFORCEMENT REVIEW

PZ-1. V200701840 - WEST

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200701840, West (Supervisor District 3). (C-44-10-040-M-00)

Charles L. "Chip" Hart, AICP, Principal Planner and Code Enforcement Supervisor, reported on the background of this case of construction without a permit between 2006 - 2009 on property the West's bought in 1993. He recommended the Board uphold the Hearing Officer's decision and accruing fines, which total approximately \$3,900.

Supervisor Kunasek asked to hear from the respondents, Mr. and Mrs. West, both of whom came forward to testify.

Richard West explained that two years ago he was cited for constructing a building on his property, but the building has been there since 1972. A wind storm blew part of the roof off and he fixed the roof. He called Planning about a permit before he started and asked about price. He was told there was no formula used to set a fee but the fee would be double because he did not have a permit to build the building. He said he did all he could to get a permit. The code enforcement officer told him he needed a mom and pop hearing but Planning said there was no such hearing when he called to set one up. Meanwhile, his HOA filed against him to paint the building and fix it up, which he did and then was cited by Planning for doing it. He reiterated that he did not build this building but only tried to improve it according to his HOA instructions, repairing the roof and repainting it. He asked how to find out the cost of a permit and said he couldn't go to a bank to borrow the money for the permit when he couldn't find out how much to borrow because no one could tell him how much it would cost him – only that it would be double.

Planning also told him he couldn't get a permit for just a roof, but that was all he replaced. He said this has been going on for two years and he has received no help and feels he has been treated like a criminal for trying to maintain his property and comply with his HOA orders. The facts presented were wrong because the building was there when he bought the property – he did not build it. He felt he might have to declare bankruptcy to pay the fine and permit, whatever that amount turned out to be. He added that if the complaint had not said he constructed the building and just that had he repaired the roof on an existing building there would be no issue. He advised that to be fair to residents, Planning should be able to tell them what the cost of compliance would be. He reported that the complaint had been filed one day and he had been cited the very next day and asked how that could legally be possible. He asked the Board to dismiss the complaint and fine.

Joy Rich entered into the discussion that ensued involving as-built and new construction permits and Mr. West was asked about photos showing a shade structure that has been removed. He said awnings that had been attached to an old mobile home were removed giving less shade cover. He said the separation from the house is now 12 feet and is greater than when he bought the property. Ms. Rich said the separation should be 15 feet. She added it appears from the aerial photos that there are a number of code issues that could affect permitting.

~ Supervisor Wilcox left the meeting ~

Supervisor Kunasek stated that Mr. West did need a permit for the repair, which would have caught the separation issues. He said, "I would like to give you an opportunity to sit with staff and get comfortable with what you need to do and the time to do it, and give staff opportunities to waive fines when you are in compliance." He felt Mr. West may have difficulty selling the house with these violations attached.

~ Supervisor Wilcox returned to the meeting ~

Darren Gerard said the department schedules meetings with respondents on Tuesdays and Wednesdays and Mr. West should sit down with a customer service representative who will walk him through the process and can give him an estimate on the cost.

Mr. West said he had learned it will take time and money to make this plan presentable and said if this can't be dismissed he needs more time to get plans ready to submit. He understood that fines would not be assessed until after today's hearing and said he already has \$3,900 in fines and will have to pay to get plans drawn up and then buy the necessary permits. He felt he would have to declare bankruptcy.

Supervisor Kunasek urged staff to work with Mr. West and said, "if you show good faith to come in compliance they can work with you to waive part of the fines and he asked staff to be very generous in reducing the fines if compliance is attained in a reasonable time period. He added that he wants to bring this to an end.

Motion to uphold the Hearing Officer's order, but to allow Mr. West 90 days in which to come into compliance at which time staff may reduce the fines to as low as we can possibly bring them, by Supervisor Kunasek, Seconded by Supervisor Stapley

Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

The Board of Supervisors will now consider matters related to Planning and Zoning.

PLANNING AND ZONING AGENDA

REGULAR AGENDA

NOTE: The following Planning items #1, 2 and 3 were heard and voted on out of order prior to hearing item #6 on the regular Board agenda.

1. COMPREHENSIVE PLAN UPDATE

Case CPA200903
Number:

Supervisory District: All Districts
Applicant: Commission-Initiated
Location: County-wide
Request: Comprehensive Plan Amendment to the Maricopa County Comprehensive Plan for property in the High Noise or Accident Potential Zone of Luke AFB, Luke Aux. Airfield #1, and Gila Bend AFB to Comply with Arizona Revised Statutes and as ordered by the Superior Court of Arizona pursuant to case no. CV 2008-019301 - Comprehensive Plan update
Commission Action: Recommended approval by a unanimous vote of 7-0.
(C-44-10-042-7-00)

2. WHITE TANK AND GRAND AVENUE AREA PLAN UPDATE

Case Number: CPA200922
Supervisory District: 4 & 5
Applicant: Commission-Initiated
Location: Supervisorial Districts 4 & 5
Request: Comprehensive Plan Amendment to the White Tank and Grand Avenue Area Plan for property in the High Noise or Accident Potential Zone of Luke AFB and Luke AUX. Airfield #1 to comply with Arizona Revised Statutes and as ordered by the Superior Court of Arizona pursuant to case no. CV 2008-019301 - White Tank and Grand Avenue Area Plan update
Commission Action: Recommended approval by a unanimous vote of 7-0.
(C-44-10-043-7-00)

3. TEXT AMENDMENT - MILITARY AIRPORT AND ANCILLARY MILITARY FACILITY OVERLAY ZONING DISTRICT

Case Number: TA2009012
Supervisory District: All Districts
Applicant: Commission-Initiated
Location: County-wide
Request: Text Amendment to the Maricopa County Zoning Ordinance for property in the High Noise or Accident Potential Zone of Luke AFB, Luke Aux. Airfield #1, and Gila Bend AFB to comply with Arizona Revised Statutes and as ordered by the Superior Court of Arizona pursuant to case no. CV 2008-019301 - Military Airport and Ancillary Military Facility Overlay Zoning District
Commission Action: Recommended approval by a unanimous vote of 7-0.
(C-44-10-044-7-00)

4. COMPREHENSIVE PLAN AMENDMENT - 129TH AVE. & GLENDALE AVE.

Case Number: CPA200920
Supervisory District: 4

Applicant: Fennemore Craig for Liberty National Enterprises
Location: Southeast corner of Glendale Ave. and 129th Ave. roadway alignment in the Glendale area.
Request: Modification of Stipulation to the 129th Ave. & Glendale Ave. Comprehensive Plan Amendment CPA200502 (approx. 55.5 ac.) - 129th Ave. & Glendale Ave.
Commission Action: Recommended approval by a vote of 6-0-1 (Hiatt abstaining).
(C-44-10-046-7-00)

Darren Gerard gave background on this case to modify a previously approved comprehensive plan stipulation.

Motion to concur with the Planning Commission recommendation for approval by resolution by Supervisor Wilcox, Seconded by Supervisor Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

NOTE: Item #5 was heard and voted on out of order, prior to agenda item #6, Liquor License Applications on the regular Board agenda.

5. SPECIAL USE PERMIT - BRITT FARM WCF

Case Number: Z2006083
Supervisory District: 5
Applicant: Quinn United Services on behalf of AT&T Mobility for Kendall & Elizabeth Britt
Location: East of Avondale Blvd. and south of Southern Ave. at 6247 S. Avondale Blvd. (in the Avondale area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility – 80' high monopole stealth designed as a pine tree, or "monopine", with potential for three antenna arrays - in the Rural-43 zoning district and in Wireless Communication Facility Use District 1
Commission Action: By a vote of 5-1, recommended Approval subject to staff recommended stipulations "a" – "t".

This item was continued from the June 3, 2009 and August 5, 2009 meetings. (C-44-09-142-7-00)

6. ZONE CHANGE - BROWN OUTDOOR ADVERTISING REZONE

Case Number: Z2008124
Supervisory District: 1
Applicant: Rose Law Group for Brown Outdoor Advertising and Gilbert Drive Industrial Partners, LLC
Location: Gilbert Dr., between Scottsdale Rd. and Miller Rd. in the Tempe area.
Request: Zone Change from IND-2 to IND-2 IUPD with a Precise Plan of Development for an off-site advertising sign (approx. 2.075 - Rezone & 0.05 ac. - POD) - Brown Outdoor Advertising Rezone
Commission Action: Recommended approval by a vote of 7-0 subject to stipulations "a" – "s" which included deleting stipulation "n" as shown below. The full set of approved stipulations are listed below. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve'

letter substantiating coverage from the appropriate Fire Department servicing the site.

Approved stipulations for Z2008124:

- a. Development of the site shall comply with the Site Plan entitled "Brown Outdoor", consisting of two (2) full-size sheets, dated August 9, 2009, and stamped received September 15, 2009, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the Narrative Report entitled "Gilbert Drive Industrial Partners and Brown Outdoor Advertising Application for IUPD Overlay", consisting of 32 pages, dated August 2009, and stamped received August , 2009, except as modified by the following stipulations.
- c. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened with a continuous parapet for commercial projects.
- d. Pave that portion of the driveway in county right-of-way.
- e. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g. The height of the off-site advertising sign shall not exceed 50' from finished grade.
- h. Off-site sign lighting directed toward a sign shall be top-mounted full-cutoff lighting. Total lighting allowance shall comply with Outdoor Light Control Provisions within this Ordinance. Lighting shall be set to turn off no later than 11:00 p.m. to 5:00 a.m.
- i. There shall be no zoning clearance or building permits issued for improvements associated with this sign until the Plan of Development (Z2007138) for the site is approved.
- j. All development and engineering design shall be in conformance with the Drainage Regulation, Drainage Policies and Standards and current engineering policies, standards and best practices at the time of application for construction.
- k. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- l. It shall be the applicant's responsibility to verify whether the proposed sign complies with ADOT's requirements relating to Outdoor Advertising Control as stated in ARS sections 28-7901 through 28-7915 and R17-3-701 through R17-3-701.1.
- m. Development and use of the site shall comply with requirements for fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- n. The applicant or his successor shall obtain any applicable approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- o. Amendments to the site plan and narrative report shall be processed as a revised application in accordance with Maricopa County Zoning Ordinance.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- q. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
- r. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations. (C-44-10-041-7-00)

Darren Gerard reported on the background of this case to allow the Industrial Unit Plan Development (IUPD) overlay zone to increase in the maximum height of offsite advertising signs from 30 feet to 50 feet. He said that opposition has been expressed that could more properly be placed on the location of the billboard rather than directly related to the IUPD zoning itself.

Supervisor Brock said he received a letter that clarified the specific opposition to this IUPD. He asked if there is any sunset built into to time of use for this billboard or if it would be in continuous use.

Mr. Gerard said the Plan of Development has been approved and there is no timeframe for expiration.

Supervisor Brock asked about types of usage. He said that this County island has the record for the most police visits of any other County island he is aware of. That a deputy had indicated there had been more than 700 police visits in one year to an adult club located there. He added that there is proximity to the freeway and the university and asked for comments from the applicant's representative on the types of advertising the client may plan to allow on their billboards.

Carolyn Oberholtzer, for the applicant, said Brown Advertising has signed agreements with the North Tempe Neighborhood Association on several of their sites to not have any adult advertising content on the signs. This was not discussed with the Planning Commission but is in the P&Z documentation.

Supervisor Brock asked about possible County action if the neighborhood agreement is violated after current Supervisors are gone, since this would be a permanent privilege.

David Benton said the Board has no authority to regulate content on the billboards they approve.

Ms. Oberholtzer said this is a private agreement with the neighborhood group and up to them to enforce it. She added, if the contract is violated they would have a lawsuit against us.

Supervisor Brock explained his concerns on future violations when newcomers may be in control of that association, especially in consideration of the many adult businesses on the island.

Darren Gerard explained the County's restrictions saying this is similar to deed restrictions or CC&R's.

Supervisor Brock said he has gone on the record to voice concerns about adult businesses in this area. He expressed hope that the client will use discretion. Ms. Overholtzer said that Brown had made this commitment right away and advised, on the record, that adult content will not be placed on that billboard.

Motion to concur with the Planning Commission recommendation for approval by Supervisor Brock, seconded by Supervisor Wilcox
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

7. SPECIAL USE PERMIT - AT&T MOBILITY AT PEBBLE BROOK GOLF COURSE

Case Number: Z2009075
Supervisorial District: 4
Applicant: The Lyle Company on behalf of Crown Castle & AT&T Mobility for Recreational Centers of Sun City West, Inc.
Location: The maintenance facility at Pebble Brook Golf Course, west of 128th Ave. between Banyon Dr. and Ashwood Dr. in the Sun City West area.
Request: Special Use Permit for a Wireless Communication Facility in the Rural-43 zoning district, the WHSC, and in Wireless Communication Facilities Use District 1 (approx. 0.011 ac.) - AT&T Mobility at Pebble Brook Golf Course
Commission Action:
(C-44-10-048-7-00)

Darren Gerard explained the Special Use Permit for a wireless communication facility that will be concealed as a palm tree at the maintenance facility on this golf course in Sun City West. One letter of opposition was received. Applicant met with that individual to alleviate those concerns and no outstanding issues remain. The recommendation is for approval with stipulations "a" through "p."

Motion to concur with the recommendation by the Planning Commission by Supervisor Stapley, seconded by Supervisor Brock
Ayes: Stapley, Brock, Kunasek, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 10:20 a.m.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board

FLOOD CONTROL DISTRICT AGENDA

The Board of Directors of the Flood Control District, Maricopa County Arizona, convened in Formal Session at 9:00 AM on Wednesday, December 02, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Mary Rose Wilcox, District 5; Andrew Kunasek, District 3. Also present: Fran McCarroll, Clerk of the Board; Constance Copeland, Deputy Clerk of the board, (Shirley Million, Minutes Coordinator); David Smith, County Manager; and Paul Golab, Outside Consul to the Board.

F-1. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. The list is on file in the Clerk of the Board's Office. (C-06-10-216-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-2. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors meetings held October 7, 2009 and October 21, 2009. (C-06-10-211-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

F-3. VEHICLE/EQUIPMENT REPLACEMENTS

Direct Equipment Services to replace the following vehicles/equipment with the equal number of vehicles/equipment replacements. This will result in no net change to the County's fleet; the following vehicles/equipment will be replaced:

One ½ Ton Truck
Three ¾ ton Trucks
One 1 ton Truck
One compact Truck
One Heavy Equipment Trailer
One Boom Mower
Two All Terrain Vehicles
One Hydromulcher
One 3,500 Water Truck

This Item impacts all Supervisory Districts

This action is being requested in accordance with agenda item C-49-08-031-6-01, approved by the Board of Supervisors on February 11, 2009. The Office Of Management and Budget, Equipment Services and The Flood Control District of Maricopa County have analyzed the need for these vehicles to be replaced, based on mile, age and maintenance

costs, and concluded that they should be replaced. (C-69-10-038-V-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board

LIBRARY DISTRICT AGENDA

The Board of Directors of the Library District, Maricopa County Arizona, convened in Formal Session at 9:00 AM on Wednesday, December 02, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Mary Rose Wilcox, District 5; Andrew Kunasek, District 3. Also present: Fran McCarroll, Clerk of the Board; Constance Copeland, Deputy Clerk of the board, (Shirley Million, Minutes Coordinator); David Smith, County Manager; and Paul Golab, Outside Consul to the Board.

L-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors meetings held October 7, 2009 and October 21, 2009. (C-06-10-212-7-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

L-2. AMENDMENT TO IGA WITH THE CITY OF PHOENIX FOR THE RECIPROCAL BORROWING PROGRAM

Approve Amendment No. 3 to the Intergovernmental Agreement (IGA) between the Maricopa County Library District and the City of Phoenix for The Reciprocal Borrowing Program (RBP). The effective date for services under this amendment shall be July 1, 2009 to June 30, 2010. The District shall reimburse the town, semi-annually, at the rate of \$26.00 per net non-resident borrower card issued. All other terms and conditions of the IGA shall remain in full force and effect. This program enables all city residents to use other participating libraries and allows other county residents to use each of the participating public libraries (plus Maricopa County libraries) without incurring a library card fee.

The Maricopa County Library District has sponsored an annual Reciprocal Borrowing Program as a regional service to all County residents since 1991. There are 11 public libraries and 12 cities/towns participating in Maricopa County. Under this program, the net lending library receives reimbursement based on the formula established in the IGA. Reimbursement is computed with an initial payment made at the midpoint of the fiscal year and a final computation and payment made at the close of the fiscal year. (C-65-02-016-2-03)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

L-3. ADMINISTRATIVE CORRECTION REGARDING NAME CHANGE TO SOLE SOURCE CONTRACT

Approve an Administrative Correction to the action taken on September 16, 2009 (C-65-10-006-3-00) whereby the Board approved a Sole Source Contract with FKI for the purchase of library system hardware, software and ongoing maintenance. Subsequent to the action taken by the Board, FKI was bought out by Lyngsoe Systems. Therefore, the contract presented for execution is with Lyngsoe Systems. This correction changes the name of the Contractor from FKI to Lyngsoe Systems. All other terms and conditions remain the same. (C-65-10-009-M-00)

Motion to approve by: Director Stapley, Seconded by: Director Brock
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Max W. Wilson, Chairman of the Board

Fran McCarroll, Clerk of the Board

STADIUM DISTRICT AGENDA

The Board of Directors of the Stadium District, Maricopa County Arizona, convened in Formal Session at 9:00 AM on Wednesday, December 02, 2009, in the Board of Supervisors Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max Wilson, Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2; Mary Rose Wilcox, District 5; Andrew Kunasek, District 3. Also present: Fran McCarroll, Clerk of the Board; Constance Copeland, Deputy Clerk of the board, (Shirley Million, Minutes Coordinator); David Smith, County Manager; and Paul Golab, Outside Consul to the Board.

S-1. MINUTES

Pursuant to A.R.S. §§38-431.01 and 11-217, approve the minutes of the Board of Directors meetings held October 21, 2009. (C-06-10-213-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

S-2. COMPREHENSIVE ANNUAL FINANCIAL REPORT

Accept the Comprehensive Annual Financial Report of the Maricopa County Stadium District which includes an Independent Auditors' Report for the year ended June 30, 2009, filed by Heinfeld, Meech & Co., PC, and pursuant to A.R.S. §48-4231(D), file a certified copy with the State Auditor General. (C-06-10-195-7-00)

Motion to approve by: Director Brock, Seconded by: Director Stapley
Ayes: Kunasek, Stapley, Brock, Wilcox, Wilson

MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned.

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board